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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

18M1/0806

E. JOSEPH GESS
BURNS DOANE SWECKER & MATHIS
P O BOX 1404
ALEXANDRIA VA 22313-1404

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/476,275	06/07/95	014	SCHWADRON, R	1816 08/06/97
First Named Applicant	ANDERSON, DARRELL R.			

TITLE OF INVENTION THERAPEUTIC APPLICATION OF CHIMERIC AND RADIOLABELED ANTIBODIES TO HUMAN B LYMPHOCYTE RESTRICTED DIFFERENTIATION ANTIGEN FOR TREATMENT OF B CELL LYMPHOMA

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 012712-155	424-133.100	021	UTILITY	YES	\$645.00	11/06/97

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
 - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
 - A. Pay FEE DUE shown above, or
 - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.
- III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents Issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/476,275	06/07/95	ANDERSON	D 012712-155

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EXAMINER

SCHWADRON, R

ART UNIT PAPER NUMBER

1816

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DATE MAILED: 08/06/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to the amendment filed 7/9/97
- ☐ The allowed claim(s) is/are 1, 2, 4, 5, 19-28 renumbered as 1-14 respectively
- ☐ The drawings filed on _____ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☒ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☒ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37.CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

R. Schwadron 8/6/97

RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800

/H

Serial Number: 08/476275

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Part III EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Robin Teskin on 8/5/97.

2. The IDS filed 4/17/97 was not considered because it was not in compliance with 37 C.F.R. § 1.97(d).

IN THE SPECIFICATION

3. Amend the specification as follows:

H1 (1) Page 1, first sentence "1993." has been changed to --1993, pending, which is a continuation in part of US application 07/978,891, filed November 13, 1992, now abandoned.--

(2) Page 1, lines 18-19, delete "This is a Continuation in Part of United States Serial No. 07/978,891, filed November 13, 1992, now abandoned."

(3) Page 41, line 6, "2" has been changed to --2 A-E--.

(4) Page 41, line 7, "Figure 3" has been changed to --Figure 3 A-F--.

(5) Page 41, line 12, "Figure 3" has been changed to --Figure 3 A-F--.

(6) Page 42, line 4, "2" has been changed to --2 A-E--.

(7) Page 42, line 5, "3" has been changed to --3 A-F--.

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- (8) Page 42, line 8, "3" has been changed to --3 A-F--.
- (9) Page 49, line 12, "9" has been changed to --9 A-C--.
- (10) Page 57, line 12, "14" has been changed to --14 A and B--.
- (11) Page 57, line 14, "14" has been changed to --14 A and B--.
- (12) Page 1, line 28, "and still pending" has been changed to --now US Patent 5,648,267--.

IN THE CLAIMS

4. Amend the claims as follows:

- (1) In claim 1, line 4, "having" has been changed to --comprising anti-CD20 in TCAE 8,--.
- (2) In claim 19, line 7, delete "part of".
- (3) In claim 21, line 6, before "transfectoma", add --a--.
- (4) In claim 21, line 6, after "transfectoma", add --comprising anti-CD20 in TCAE 8,--.

5. The following is an Examiner's Statement of Reasons for Allowance:

The Reff et al. (J. Cell. Biochem.) reference cited on the enclosed PTO-982 would constitute prior art under 35 U.S.C. 103 for claims 19,20,25-28 when used in combination with Grossbard et al. or Robinson et al. (WO 88/04936), wherein said reference would be used as a substitute for the Anderson et al. reference in the previously made rejections as per paragraphs 26 and 27 of the Office Action mailed 12/21/95. However, the Anderson declaration submitted 8/5/97 establishes the C2B8 antibody and 2B8 antibody were not publicly available until after the 11/3/93 filing date of parent application 08/149099 to which claims 19,20,25-28 are entitled priority. The Reff et al. abstract does not provide an enabling disclosure for the C2B8 antibody or 2B8 antibodies because there is no disclosure in said abstract of the amino acid sequences of said antibodies, there is no disclosure of the particular

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epitope of CD20 bound by said antibodies and neither the 2B8 or C2B8 antibodies were publicly available prior to 11/3/93.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Tuesday through Friday from 8:30 to 6:00. The examiner can also be reached on alternative Mondays. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 180 receptionist whose telephone number is (703) 308-0196.



RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800

Ron Schwadron, Ph.D.

Primary Examiner

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August 6, 1997